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Ltd., and Hon Hai Precision Industry Co., Ltd.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT
12 SAN FRANCISCO DIVISION

13
14 ATS AUTOMATION TOOLING
15 SYSTEM, INC. AND THERMAL FORM
16 & FUNCTION LLC,

17 Plaintiffs,

18 vs.

19 FOXCONN ELECTRONICS, INC.,
20 FOXCONN TECHNOLOGY CO., LTD.,
HON HAI PRECISION INDUSTRY CO.,
LTD., and DOES 1 THROUGH 10,

21 Defendants.

CASE NO. C03-2648 PJH

**DECLARATION OF WILLIAM MALTZ
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Date: March 9, 2005
Time: 9:00 a.m.
Judge: Hon. Phyllis J. Hamilton

DECLARATION OF WILLIAM MALTZ

I, William Maltz, declare as follows:

1. I am President of Electronic Cooling Solutions Inc. and have been asked by Defendants to provide technical assistance in this matter. I have personal knowledge of the facts stated herein, except those stated on information and belief and, if called upon, could and would testify competently to them.

2. In my opinion, one of ordinary skill in the art relevant to U.S. Patent No. 5,494,098 (the "098 Patent") would have had a bachelors degree in mechanical engineering and some basic experience and understanding of manufacturing processes commonly used in the industry, or a minimum of 7 years of experience designing similar components and with a working knowledge of the manufacturing processes commonly used in the industry in 1994.

3. I have reviewed the disclosure of U.S. Patent No. 5,375,655 (“Lee”). One of ordinary skill in the art would have understood that the fan disclosed by Lee at 5:67-6:3 could have been an axial fan, a type of fan typically used in heat sink applications. An axial fan necessarily has a fan housing with top and bottom openings, a rotor rotatably mounted within the fan housing, and at least one fan blade attached to the rotor.

4. Lee addresses the need to have the air stream making contact with all of the finned surfaces by using strips of material. In the embodiment of Figure 12, using only a single strip of material, one of ordinary skill in the art would understand that additional measures would have to be taken to allow the air stream to make contact with all of the finned surfaces. One of ordinary skill in the art would understand that it would be necessary to have cutouts on either the top or side surfaces of the fins, and would have understood that placing the cutouts on the top surface so that portions of the fins are unconnected at their upper ends would provide a less restrictive path for the air flow.

5. One of ordinary skill in the art of heat sinks would understand that the performance of a fan could be improved by providing a plenum chamber. One obvious way of providing a plenum chamber when a fan is mounted over an aperture would be to have the fins directly below the aperture spaced from the aperture, since this would provide the plenum

1 chamber without increasing the total height of the heat sink.

2 6. I have reviewed the disclosure of Japanese Patent No. 63-157994 ("Tanaka").
3 One of ordinary skill in the art would understand that heat sinks are a specific class of heat
4 exchanger. In the disclosure of Tanaka, one of ordinary skill in the art would understand that one
5 set of fins and fan acts as a heat source, with the divider plate and other set of fins and fan acting
6 as a heat sink.

7 7. Tanaka discloses a multi-entry corrugated fin pattern in Figure 6. One of
8 ordinary skill would understand that placing the multiple entries of Tanaka on the top surface of
9 the fins would provide a less restrictive path for airflow. One of ordinary skill would also
10 understand that, from a manufacturing point of view, stamping cutouts that correspond to the top
11 surface or the side surface is an arbitrary decision that does not have significant impact on cost or
12 manufacturability.

13 8. I have reviewed technical drawings and/or physical samples for Foxconn heat
14 sink models 32P4001/32P4002, 32P4003/32P4004, 01R3329/01R3330, 22P4369/22P4370, and
15 23K4713/23K4714. In each of these products, the shroud has tabs, located on the bottom of the
16 shroud or frame in each of the four corners, that are bent inward so that they are captured by a
17 pair of grooves that run along the bottom of the base in a direction that is perpendicular to the fins.
18 Because this is not a fixed attachment, there may be play between the shroud and the base.

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20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct.

22 Executed on January 28 2005 at Mountain View, California.

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24 *William Maltz*
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